

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 370 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KIRTIPAL UMEDSINH PARMAR

Versus

MANDAVI NAGAR PANCHAYAT

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Appearance:

MR NAGIN N GANDHI for Petitioner

SERVED for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/07/96

ORAL JUDGEMENT

Mr.N.N.Gandhi for the petitioner present. None present for the respondent. Heard the learned counsel for the petitioner. The petitioner who is an employee of the Mandvi Nagar Panchayat, District Surat, was dismissed from service on misconduct of misappropriation of money of the Nagar Panchayat. This has been done under the order dt. August 16, 1979. He has taken the matter in appeal before the Appellate Committee of the District

Panchayat Surat. The appeal was allowed on 1st January, 1982 and the order of dismissal has been set aside. The appellate authority, as it is not disputed by the learned counsel for the petitioner that the order to hold inquiry against the petitioner in accordance to law. It is the case of the learned counsel for the petitioner that inquiry has not been completed so far. Pursuant to the order of the appellate authority, the petitioner was reinstated in service on April 13, 1982. In this special civil application, the petitioner has made the grievance that on reinstatement, he was given minimum pay of the post i.e. it was treated to be a fresh appointment. Next grievance was made that for period from 17th August, 1979 to April 13, 1982, the petitioner was not paid the salary. The last grievance is that the petitioner was not given benefit of revised pay scale.

The appellate authority decided appeal in 1982. This special civil application filed in 1984 and we are in 1996, but during this interregnum, inquiry could not have been completed. The learned counsel for the petitioner admitted that for last 10 years, his client has not contacted him. Taking into consideration the totality of the facts of the case, the interest of justice will be met in case this special civil application is disposed with a direction to the respondent that inquiry, if so far not completed, as ordered by the appellate authority, should be completed within a period of four months from date of receipt of certified copy of this order.

This special civil application be treated as representation of the petitioner in respect of the grievances made therein and the respondent shall decide the grievances of the petitioner within a period of two months from the date of receipt of the writ of this order. While deciding the grievance of the petitioner made in this special civil application, the respondent shall take into consideration and give effect also to the order, if any passed in the Departmental Inquiry in connection with this matter. In case, the grievance of the petitioner are not acceptable, then the respondent shall pass a speaking order and the copy of the same will be made available to the petitioner by registered post A.D. Rule is made absolute to the aforesaid extent, with no order as to costs.

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